



Planning & Inspections Department

Zoning Board of Adjustment

**CITY 1 BUILDING, 300 N CAMPBELL STREET
FIRST FLOOR, COUNCIL CHAMBERS
AUGUST 13, 1:30 P.M.**

Mayor
Dee Margo

City Council

District 1
Peter Svarzbein

District 2
Alexsandra Annello

District 3
Cassandra Hernandez

District 4
Dr. Sam Morgan

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz Perez

District 7
Henry Rivera

District 8
Cissy Lizarraga

City Manager
Tommy Gonzalez

CALL TO ORDER

Chairman Adauto called the meeting to order at 1:34 p.m., quorum present.

The following Board Members answered roll call:

Chairman Ray Adauto

Ms. Elena Garza

Ms. Linda Troncoso

Ms. Patrice Hills

Mr. Walter Lujan

Mr. James Graham

Ms. Maria Smith

Mr. Tom Torres

The following City Staff were present:

Ms. Anne Guayante, Senior Planner, Planning & Inspections

Ms. Armida Martinez, Planner, Planning & Inspections

Ms. Karina Brasgalla, Planner, Planning & Inspections

Mr. Raul Garcia, Zoning Administrator, Planning & Inspections

Mr. Russell Abeln, Assistant City Attorney, City Attorney's Office

Mr. Danny Chavira, Senior Plans Examiner, Planning & Inspections

FORMAT OF THIS MEETING – THE MANNER IN WHICH EACH ITEM IS HEARD

Due to the large number of applicants and representatives in the audience Ms. Guayante explained to the members of the public the manner in which each item is heard.

1. For each case, staff will present slides (Powerpoint presentation) of each address;
2. After the presentation, Board Members may ask questions of staff;
3. After which, the Chairman will request the applicant(s) and/or representative(s) of the address to approach the podium and state their name(s) for the record;
4. At this time, Board Members may ask questions of the applicant(s) and/or representative(s) and staff, if applicable;
5. Following this discussion, the Chairman will ask if there is anyone present who would like to make comments or ask questions regarding the address;
6. The Chairman will close any further discussion to the Board Members; and
7. At this time, a motion from the Board will be made regarding the special exception request

Planning & Inspections Department
City 3 | 801 Texas Ave | El Paso, Texas 79901 | (915) 212-0088

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CALL TO THE PUBLIC

There was no one signed up to speak to the Board Members.

CHANGES TO THE AGENDA/REVISED BACKUP

There were no changes to the agenda; however, Staff Report changes for items 1 and 4 and a letter of support submitted for item 4.

MOTION:

Motion made by Linda Troncoso, seconded by James Graham **AND UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AND REVISIONS AS GIVEN TO THE BOARD BY STAFF AND THE LETTER OF SUPPORT.**

PUBLIC HEARING

REGULAR AGENDA:

ITEM 1:

PZBA17-00040

12549 Wendy Reed Drive

Ramon Rios

Applicant requests a Special Exception under Section 2.16.050 J (Carport over a driveway) in an R-3A (Residential) zone. This would permit the construction of an ~~18.9'~~ **29.6'** by 11' carport (325.6 square feet). There is currently a 19' by 20' carport the entirety of which encroaches into the required front yard setback. The carport structure will be modified so that it is 10' away from the property line.

BACKGROUND

The subject property was constructed in 1999. The Planning Division has not received any communication in support or opposition to the special exception request.

STAFF RECOMMENDATION

Staff recommendation is for **APPROVAL WITH CONDITIONS** for the request of Special Exception J. The conditions are as follows:

- 1. THAT AN UPDATED ROOF PLAN TO REFLECT THE PROPOSED CARPORT BE SUBMITTED PRIOR TO THE ISSUANCE OF ANY PERMITS.**
- 2. THE COLUMNS TO THE CARPORT BE CLADDED IN BRICK TO MATCH THE HOUSE.**



Armida Martinez gave a presentation and responded to comments and questions from Board Members.



1-12549 Wendy
Reed.pptx

Ramon Rios, property owner, and Juan Torres, contractor, responded to comments and questions from Board Members. Mr. Torres provided Spanish translation for Mr. Rios.

The following additional staff members commented:

1. Danny Chavira
2. Raul Garcia

FOR THE RECORD

Chairman Adaauto requested the record reflect, via his conversation in Spanish for Mr. Rios, property owner, that Mr. Rios is in agreement with the suggestion/recommendations from the staff. Mr. Rios understood and Mr. Torres understood.

No further questions or comments from the Board.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

MOTION:

Motion made by Tom Torres, seconded by Maria Smith **AND UNANIMOUSLY CARRIED TO APPROVE WITH CONDITIONS.**



ITEM 2:

PZBA18-00033

8532 Mountain Laurel

Tropicana Homes

Applicant requests a Special Exception under Section 2.16.050 B (Two or more nonconforming lots) in an R-2 (Residential) zone.

This would permit the construction of a single family home, a portion of which is proposed to extend 5 feet into the required front yard setback, for a total of 179 square feet of that building within the setback, and which is proposed to encroach approximately 1.5 feet into the each of the required side yard setbacks for a total of 108 square feet. The required front setback is 25 feet in the R-2 (Residential) zone district, and the required cumulative side yard setback for the subject property is 20 feet.

BACKGROUND

The applicant is requesting Special Exception B to allow the construction of a single family home, 5 feet of which would extend into the front yard setback for a 179 sq. ft. area of total encroachment and 2 feet would extend into the side yards for a total area of encroachment of 108 square feet. Through aerial photos and building plans supplied by the applicant, it was established that one house on the same block extends three other houses extend 5 feet into the front yard setback setback, and 4 feet into the required side yard cumulative setback. The Planning Division has not received any communications in support or opposition to the special exception request.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the special exception request as the requested encroachment is less than or equal to the encroachments into that setbacks already present on blockface of the subject property.

Anne Guayante gave a presentation. *There were no comments or questions from Board Members.*



2-8532 Mt
Laurel.pptx



Kelly Sorenson, Third Party Plan Review Inspector for Mission Consultants, and Eric Romero, representing Tropicana Homes, concurred with all staff comments.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

MOTION:

Motion made by Linda Troncoso, seconded by Tom Torres **AND UNANIMOUSLY CARRIED TO APPROVE.**

ITEM 3:

PZBA18-00034

8500 Edgar Park

Javier and Valeria Arroyos

Applicant request a Special Exception under Section 2.16.050 B (Two or more nonconforming lots) in an R-2 (Residential) zone. This would permit the construction of a single family home, a portion of which is proposed to extend 5 feet into the required front yard setback, for a total of 848 square feet of that building within the setback. It would also permit a rear yard encroachment of 15 feet, for 435 feet and 471 square feet of patio. The required front setback is 25 feet in the R-2 (Residential) zone district and the required rear yard for the subject property is 35 feet.

BACKGROUND

The applicant is requesting Special Exception B to allow the construction of a thing that encroaches, 99 feet of which would extend into the front/side/street side/rear yard setback for a 999 sq. ft. area of total encroachment. Through aerial photos and building permits supplied by the applicant, it was established that one house on the same block extends 12 feet into the required front yard, and three extend twenty feet. It was found that two other houses encroach into their required rear yards, with the greatest encroachment being 24 feet. The Planning Division has not received any communications in support or opposition to the special exception request.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the special exception request as the requested encroachment is less than or equal to the encroachments into that setback already present on blockface of the subject property.



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Anne Guayante gave a presentation. *There were no comments or questions from Board Members.*



3-8500 Edgar
Park.pptx

Robert Baeza, representing the property owner, concurred with all staff comments.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

MOTION:

Motion made by Linda Troncoso, seconded by Maria Smith **AND UNANIMOUSLY CARRIED TO APPROVE.**

ITEM 4:

PZBA18-00038

10037 Goliad

Oscar & Roselie Noriega

Applicant request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This would legalize an existing 280 sq. ft. addition to the existing single-family residence of which 85 sq. ft. encroaches into the required rear setback and is located within 14' of the rear property line. The dimensions of the encroachment are approximately 4.3' by 20'. The required front and rear yard setback cumulative total is 50' in the R-3 zone district.

BACKGROUND

The existing residence was constructed in 1971. There is storage structure in the rear yard built partially over a 5' utility easement. The Planning Division did receive one call of inquiry and a letter of support of the special exception request but no communication ~~in support of or~~ in opposition to the special exception request.



STAFF RECOMMENDATION

Staff recommends **APPROVAL WITH THE CONDITION** as the requested square footage encroachment (85 sq. ft.) is less than the maximum permitted (378.45 sq. ft.). The condition is as follows:

THE REAR STORAGE STRUCTURE SHALL BE REDUCED, REMOVED OR RELOCATED SO THAT IT IS NO LONGER ENCROACHING ON THE UTILITY EASEMENT ABUTTING THE REAR AND SIDE PROPERTY LINES.

Armida Martinez gave a presentation. *There were no comments or questions from Board Members.*



4-1003 Goliad.pptx

Oscar and Roselie Noriega, property owners, responded to comments and questions from the Board.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

MOTION:

Motion made by James Graham, seconded by Linda Troncoso **AND UNANIMOUSLY CARRIED TO APPROVE WITH CONDITIONS.**

ITEM 5:

PZBA18-00039 716 E. Fourth St. RC Senior Medical Plans Corporation
Applicant request a Special Exception under Section 2.16.050 K (In existence fifteen years or more) in an A-3 (Apartment) zone. This would permit the encroachment of a portion of an existing structure that extends 10 feet into the required rear yard setback, three feet into the required side yard setback, and five feet into the required street side yard for a total of 456 square feet of that building within the setback, to remain. The required rear setback is 10 feet, the required side yard setback is four feet, and the required street side yard is five feet in the A-3 (Apartment) zone district.



BACKGROUND

The applicant is requesting Special Exception K to allow the existing encroachments into the side, street side, and rear yard setback for a total of 456 sq. ft. area of the existing structure. The applicant has provided a 2002 aerial map and the encroaching portion of the property is visible in the 1956 aerial photograph. The 2002 aerial shows the property existing then as it does today, with the structure in its current location. The current owner required the subject property in 2017. The applicant is requesting a Special Permit from the El Paso City Council to allow the property to be used as an office. Approval of the Special Exception is necessary to resolve the setback encroachments before that request is able to move forward. The Planning Division has not received any communications in support or opposition to the special exception request.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the special exception request as the requested encroachment has been in existence for more than 15 years.

Anne Guayante gave a presentation and responded to comments and questions from Chairman Adauto.



5-716 E 4th.pptx

Raul Garcia responded to comments and questions from Chairman Adauto.

Fermin Dorado, Dorado Engineering, representing the property owner, concurred with all staff recommendations.

Chairman Adauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

MOTION:

Motion made by Linda Troncoso, seconded by Maria Smith **AND UNANIMOUSLY CARRIED TO APPROVE.**



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ITEM 6:

PZBA18-00041

8945 Ankerson

Mary Martinez

Applicant request a Special Exception under Section 2.16.050 K (In existence fifteen years or more) in an A-2 (Apartment) zone. This would permit the encroachment of a portion of an existing single-family residence that extends 13 feet into the required rear yard setback, for a total of 208 square feet of that building within the setback, to remain. The required rear setback is 15 feet in the A-2 (Apartment) zone district.

BACKGROUND

The applicant is requesting Special Exception K to allow the existing encroachments into the rear yard setback for a 208 sq. ft. area of an existing single-family residence. The applicant has provided a 2002 aerial map and central appraisal records indicating the year built as 1961. The 2002 aerial photograph shows the property existing then as it does today, with the dwelling in its current location. The applicant purchased the property in January of 2018. The Planning Division has not received any communication in support or opposition to the special exception request.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the special exception request as the requested encroachment has been in existence for more than 15 years.

Armida Martinez gave a presentation and responded to comments and questions from Board Members.



6-8945

Ankerson.pptx

Mary Martinez, property owner, responded to comments and questions from the Board and concurred with all staff comments.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

MOTION:

Motion made by James Graham, seconded by Linda Troncoso and Maria Smith **AND UNANIMOUSLY CARRIED TO APPROVE.**



ITEM 7:

PZBA18-00042

5524 Milray

Oscar Andre Dominguez

Applicant request a Special Exception under Section 2.16.050 B (Two or more nonconforming lots) in an R-1 (Residential) zone.

This would permit the construction of a single family home, a portion of which is proposed to extend 31.75 feet into the required rear yard setback, for a total of 745 square feet of that building and 390 square feet of covered patio within the setback for a total encroachment of 1,135 square feet of covered patio within the setback. The required rear setback is 61.63 feet for the subject property.

BACKGROUND

The applicant is requesting Special Exception B to allow the construction of a single family home, 19.36 feet of which would extend into the rear yard setback for a 1,135 sq. ft. area of total encroachment. Through aerial photos, it was established that one house on the same block extends is located to within 25 feet of its rear property line, and another house is within 30 feet. A previous request for 1,078 square feet of rear yard encroachment was approved in May, but the applicant wishes to enlarge the area within the required rear setback by approximately 57 square feet. The Planning Division has not received any communications in support or opposition to the special exception request.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the special exception request as the requested rear yard encroachment is equal to the encroachments into that setback already present on blockface of the subject property, **WITH ONE CONDITION:**

- 1. ALL IMPERVIOUS SURFACES PRESENT ON THE SUBJECT PROPERTY MUST TOTAL LESS THAN 50% OF THE TOTAL LOT AREA. THIS CALCULATION SHALL INCLUDE ALL BUILDINGS AND PAVED AREAS.***

Anne Guayante gave a presentation and responded to comments and questions from Board Members.



7-5524 Milray.pptx



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Rodrigo Chow, ICON Custom Builders, representing the property owner, concurred with staff comments.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

MOTION:

Motion made by Tom Torres, seconded by Maria Smith and Patrice Hills **AND UNANIMOUSLY CARRIED TO APPROVE WITH CONDITION.**

ITEM 8:

PZBA18-00043

3224 Orkney

David Shelby

Applicant request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This would legalize the encroachment of an existing 432 sq. ft. garage, of which 187.5 square feet encroach into the required rear setback and is located to within 10' of the rear property line. The dimensions of the encroachment are approximately 10' 5" by 18'. The required front and rear yard setback cumulative is 50' in the R-3 zone district.

BACKGROUND

The existing residence was constructed in 1961. The garage was constructed in 2013. The garage and an accessory structure (shed) were partially constructed on utility easements. The portions of the structures on the easement will be demolished. The Planning Division has received no communications in support of or in opposition to the special exception request.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** as the requested square footage encroachment (332.9 sq. ft.) is less than the maximum permitted (187.5 sq. ft.).

Karina Brasgalla gave a presentation and responded to comments and questions from Board Members.



8-3224 Orkney.pptx



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David Shelby, property owner, responded to comments and questions from Board Members.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

MOTION:

Motion made by Linda Troncoso, seconded by James Graham **AND UNANIMOUSLY CARRIED TO APPROVE.**

ITEM 9:

PZBA18-00044

6740 El Parque

Zorina Arreola

Applicant request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This would legalize the encroachment of an existing 168 sq. ft. addition to the existing single-family residence, of which 168 square feet encroach into the required rear setback and is located to within 13' of the rear property line. The dimensions of the encroachment are approximately 12' by 14'. The required front and rear yard setback cumulative total is 50' in the R-3 zone district.

BACKGROUND

The existing residence was constructed in 1987. The addition was constructed in 2012. The Planning Division has received no communications in support of or in opposition to the special exception request.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** as the requested square footage encroachment (168 sq. ft.) is less than the maximum permitted (285.3 sq. ft.)

Karina Brasgalla gave a presentation and responded to comments and questions from Board Members. Prior to the meeting, Ms. Brasgalla distributed to Board Members one letter of support for the special exception request.



9-6740 El
Parque.pptx



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Zorina Arreola, property owner, concurred with staff comments.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

MOTION:

Motion made by Patrice Hills, seconded by Linda Troncoso **AND UNANIMOUSLY CARRIED TO APPROVE.**

ITEM 10

PZBA18-00046

11620 James Grant

Richard Clark

Applicant request a Special Exception under Section 2.16.050 C (Rear Yard Setback) in an R-3 (Residential) zone. This would permit the construction of a 643.25 sq. ft. addition to the existing single-family residence, of which 320.33 square feet encroach into the required rear setback and is located within 12.4' of the rear property line. The dimensions of the encroachment are approximately 31' by 10.4'. The required front and rear yard setback cumulative total is 50' in the R-3 zone district.

BACKGROUND

The existing residence was constructed in 1985. There is a storage structure in the rear yard built partially over a 5' utility easement. The Planning Division has received no communications in support of or in opposition to the special exception request.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** with a condition as the requested square footage encroachment (320.33 sq. ft.) is less than the maximum permitted (323.75 sq. ft.). The condition is as follows:

The rear storage structure shall be reduced, removed or relocated so that it is no longer encroaching on the utility easement abutting the rear property line.

Armida Martinez gave a presentation and responded to comments and questions from Board Members.



10-11620 James
Grant.pptx



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Gloria Clark, property owner, concurred with staff comments.

Chairman Adaauto asked if anyone in the audience wished to speak in favor of or opposition to this request, please come forward. *There was no response from the audience.*

MOTION:

Motion made by Patrice Hills, seconded by Tom Torres **AND UNANIMOUSLY CARRIED TO APPROVE.**

11. Approval of Minutes: July 9, 2018



07.09.2018 zba
meeting minutes.do

Chairman Adaauto asked if Board Members had any additions, corrections and/or revisions to the minutes. *No responses from the Board.*

MOTION:

Motion made by Maria Smith, seconded by Tom Torres **AND UNANIMOUSLY CARRIED TO APPROVE.**

ABSTAIN: *Linda Troncoso*

MOTION:

Motion made by Linda Troncoso, seconded by Patrice Hills **AND UNANIMOUSLY CARRIED TO ADJOURN AT 2:36 P.M.**